

TAB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Registration No. 2,684,138: PAVERCAT
Registered on the Principal Register on February 4, 2003, in International Class 7

| | | |
|-------------------|---|-------------------------|
| CATERPILLAR INC., |) | |
| |) | |
| Petitioner, |) | |
| |) | Cancellation No. 41,776 |
| v. |) | |
| |) | |
| PAVE TECH, INC., |) | |
| |) | |
| Respondent. |) | |
| |) | |

CONSENTED MOTION TO EXTEND DISCOVERY AND TESTIMONY PERIODS

Petitioner hereby moves to extend the discovery period and all subsequent testimony periods for sixty (60) days in the above proceeding as follows:

| | |
|--|-------------------|
| Discovery Period to close: | April 5, 2004 |
| 30-day testimony period for party in position of Plaintiff to close: | July 6, 2004 |
| 30-day testimony period for party in position of defendant to close: | September 2, 2004 |
| 15-day rebuttal testimony period for plaintiff to close: | October 18, 2004 |

The parties have exchanged additional written discovery requests and are both in the process of responding to each others' requests. In addition, Caterpillar has depositions scheduled for February 23-24, 2004. This additional time is necessary to exchange documents, prepare for the depositions, and complete discovery before proceeding with the testimony period.

Certificate of Mailing
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington Virginia 22202-3514 on February 2, 2004.

[Signature]

The parties respectfully submit that this constitutes good cause for the requested extension. Respondent's attorney, Michael J. O'Loughlin, consented to this extension via telephone on January 29, 2004.

Respectfully submitted,

LOEB & LOEB LLP

Date: February 2, 2004

By:


Mary E. Innis

Nerissa Coyle McGinn

200 South Wacker Drive

Suite 3100

Chicago, Illinois 60606

Telephone: (312) 674-4780

Facsimile: (312) 674-4779

CERTIFICATE OF SERVICE

I, Nerissa Coyle McGinn, hereby certify that I caused a copy of the foregoing
CONSENTED MOTION TO EXTEND DISCOVERY AND TESTIMONY PERIODS to
Michael J. O'Loughlin, Micheal J. O'Loughlin & Associates, P.A., 400 South 4th Street, 1012
Grain Exchange Building, Minneapolis, Minnesota 55415 by first class mail, postage prepaid on
February 2, 2004.


